

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INTERVET INC., and	)	
BTG INTERNATIONAL LIMITED,	)	
	)	
Plaintiffs,	)	
v.	)	C.A. No.: 05-887-***
	)	
MERIAL LIMITED,	)	
	)	
Defendant.	)	

**STATUS REPORT**

On July 6, 2006, this Court entered an order (D.I. 27) staying the captioned civil action pending resolution of reexamination proceedings at the United States Patent & Trademark Office ("USPTO") regarding United States Patent No. 5,587,166 ("the '166 patent"), the patent-in-suit.

Pursuant to paragraph 2 of the Stay Order, the parties agreed to provide the Court with a report on the status of the reexamination proceedings at six-month intervals.

At present, the reexamination proceedings are ongoing and have not been completed. On December 22, 2006, the USPTO issued a first office action rejecting the claims of the patent-in-suit on obviousness grounds. The patentee has until late February 2007 to respond to this Office Action. At present, it is unclear when the reexamination proceedings will be completed. The parties will provide the Court with another status report by July 6, 2007.

Dated: January 5, 2007

/s/ Karen L. Pascale

John W. Shaw (#. 3362)  
Karen L. Pascale (# 2903)  
**YOUNG CONAWAY STARGATT & TAYLOR LLP**  
The Brandywine Building  
1000 West St., 17th Floor  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Phone: 302-571-6600  
kpascale@ycst.com

/s/ Frederick L. Cottrell

Frederick L. Cottrell, III (#2555)  
Kelly E. Farnan (#4395)  
**RICHARDS, LAYTON & FINGER, P.A.**  
One Rodney Square  
P.O. Box 1347  
Wilmington, DE 19899  
Phone: 302- 651-7700  
cottrell@rlf.com

**OF COUNSEL:**

Richard L. DeLucia  
Michael Loughnane  
**KENYON & KENYON LLP**  
One Broadway  
New York, New York 10004  
Telephone: (212) 425-7300

John R. Hutchins  
**KENYON & KENYON LLP**  
1500 K Street, NW  
Washington, DC 20005-1257  
Telephone: (202) 220-4200

*Attorneys for Plaintiffs*

**OF COUNSEL:**

Judy Jarecki-Black  
**MERIAL LIMITED**  
3239 Satellite Blvd.  
Duluth, Georgia 30096-4640  
Telephone: (678) 638-3805

Edgar H. Haug  
Thomas J. Kowalski  
**FROMMER LAWRENCE & HAUG LLP**  
745 Fifth Avenue  
New York, New York 10151  
Telephone: (212) 588-0800

Frank G. Smith, III  
Robert L. Lee  
J. Patrick Elsevier  
Elizabeth K. Haynes  
**ALSTON & BIRD LLP**  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
Telephone: (404) 881-7000

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I, Karen L. Pascale, Esquire, hereby certify that on January 5, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following local counsel of record:

Frederick L. Cottrell, III [cottrell@rlf.com]  
Kelly E. Farnan [farnan@rlf.com]  
RICHARDS, LAYTON & FINGER, P.A.  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899  
(302) 658-6541

I further certify that on January 5, 2007, I caused a copy of the foregoing document to be served on the above-listed counsel in the manner indicated:

**By Hand Delivery and E-mail**

Frederick L. Cottrell, III [cottrell@rlf.com]  
Kelly E. Farnan [farnan@rlf.com]  
RICHARDS, LAYTON & FINGER, P.A.  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899  
(302) 658-6541

**By E-Mail**

Thomas J. Kowalski [TKowalski@flhlaw.com]  
FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151 USA  
(212) 588-0800

Judy Jarecki-Black [Judy.Jarecki@Merial.com]  
Director, Global IP Management  
Merial, Ltd.  
3239 Satellite Blvd.  
Duluth, GA 30096  
(678) 638-3805

Frank G. Smith, III [frank.smith@alston.com]  
Robert L. Lee [Bob.Lee@alston.com]  
J. Patrick Elsevier [pelsevier@alston.com]  
Elizabeth K. Haynes [beth.haynes@alston.com]  
ALSTON & BIRD LLP  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3424  
(404) 881-7683

**YOUNG CONAWAY STARGATT & TAYLOR, LLP**



---

John W. Shaw (No. 3362)  
Karen L. Pascale (No. 2903)  
The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, Delaware 19801  
(302) 571-6600  
Email: kpascale@ycst.com  
*Attorneys for Plaintiffs, Intervet Inc.  
and BTG International Limited*